

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

UNITED STATES OF AMERICA,)	
)	
Plaintiff,)	4:08CR3174
)	
v.)	
)	
ILDEFONSO MONTOYA-)	MEMORANDUM AND ORDER
VASQUEZ,)	
)	
Defendant.)	

The defendant did not file a motion to suppress prior to February 9, 2009, the original pretrial motion deadline for this case. Filing No. [9](#). Trial was originally scheduled for March 9, 2009, but in response to the defendant's unopposed motion to continue, the trial was re-scheduled for May 5, 2009. Filing No. [21](#). On April 29, 2009, at the defendant's request, a change of plea hearing was set for June 15, 2009. Filing No. [22](#). The plea hearing was continued three times and ultimately, on August 21, 2009, the defendant withdrew his request to enter a change of plea and requested additional time to file a motion to suppress. The defendant's request was granted, and he was given until September 21, 2009 to file his motion to suppress. Filing No. [31](#).

The defendant did not timely file his motion to suppress, and on September 23, 2009, the court entered an order setting trial for October 26, 2009. Filing No. [33](#). The defendant filed a motion to suppress on September 24, 2009. Filing No. [34](#). The motion was untimely filed without explanation or leave of the court. Based on the filings of record,

IT IS ORDERED:

- 1) Defendant's motion to suppress, (filing no. [34](#)), is denied as untimely filed.
- 2) The government's motion for extend its deadline for responding to the defendant's motion to suppress, (filing no. [36](#)), is denied as moot.
- 3) This case remains set to be tried *as the number one criminal case* beginning at 9:00 a.m. on October 26, 2009, for a duration of three trial days before the undersigned district judge in Courtroom 1, United States Courthouse and Federal Building, 100 Centennial Mall North, Lincoln, Nebraska. Jury selection will be at the commencement of trial.

DATED this 28th day of September, 2009.

BY THE COURT:

Richard G. Kopf
United States District Judge